

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LISA TEAL, ) No.  
 )  
Plaintiff, ) COMPLAINT FOR DAMAGES  
 ) (Jury Trial Demanded)  
vs. )  
 )  
STEBNER REAL ESTATE and DEREK )  
STEBNER, )  
 )  
Defendants. )  
\_\_\_\_\_ )

**INTRODUCTION**

1. This is an action for damages pursuant to the Washington Law Against Discrimination (WLAD) and Title VII of the Civil Rights Act of 1964 as amended in 1990 to redress unlawful employment practices by defendant Stebner Real Estate and Derek Stebner, who have caused plaintiff to suffer deprivations of her civil and statutory rights as well as emotional distress.

**JURISDICTION**

2. Jurisdiction of this Court is invoked pursuant to 28 United States Code Sections, 1331, and 1343 and of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 United States Code Sections 2000e-5(f)(1) and (3).

3. This Court has supplemental jurisdiction over the State claims by virtue of the fact that they arise out of the same transactions or series of transactions as do the claims alleged herein under federal and constitutional law.

**VENUE**

4. The unlawful employment practices alleged below were committed in Bellingham, Washington within the geographical boundaries of the Western District of Washington. The Seattle Courthouse is thus the appropriate forum for this matter pursuant to 28 United States Code Section 1391 and 42 United States Code Section 2000e.

**PARTIES**

5. Plaintiff Lisa Teal is a female citizen of the United States, and a resident of the State of Washington.

6. Defendant Stebner Real Estate is now, and at all times mentioned herein was, a private for-profit company, duly organized and existing under the laws of the State of Washington.

7. Defendant Stebner was at all times relevant the owner and managing agent of defendant Stebner Real Estate and in doing the things complained of herein, was acting as its agent and within the course and scope of his employment by defendant Stebner Real Estate which is strictly liable for all of the acts committed by defendant Stebner.

1           8.       Each defendant is, and at all times herein mentioned was, an agent of the other  
2 and acting within the course and scope of that agency in causing the harm as herein alleged.

3  
4                                   **ADMINISTRATIVE PROCEDURE**

5           9.       Within the statutory time period, specifically on January 8, 2007, plaintiff  
6 filed a claim with the EEOC alleging that she was discriminated against and harassed on the  
7 basis of sex. On October 29, 2008, Plaintiff received a ninety day right to sue letter and  
8 commences this action within that statutory time period.

9  
10                                   **STATEMENT OF FACTS**

11           10.      Plaintiff began her employment with defendant Stebner Real Estate as a  
12 bookkeeper on July 5, 2006 at 1300 Cornwall Avenue, Bellingham, WA corporate office.

13           11.      The first two weeks of her employment plaintiff was being trained by Erin  
14 Nelson and Lisa Vanderpol and all of her interactions with defendant Stebner were through  
15 phone conversations and fax, as he lived in Arizona and traveled between there and  
16 Bellingham. As soon as defendant Stebner returned to the Bellingham office he began  
17 harassing plaintiff.

18           12.      On one occasion, Mr. Stebner came into the office and overheard Amy,  
19 Heather and plaintiff talking about the night before. Mr. Stebner said, "So did you get laid  
20 last night? Was it good?" He then laughed at his staff, which consisted only of females, and  
21 walked off.

22           13.      On another occasion, Mr. Stebner asked plaintiff if she had lost weight and  
23 said, "Must be getting a lot of exercise from your boyfriend." Plaintiff also was present

1 when defendant Stebner said to the female office manager, Amy, "We need to get a young  
2 curvy hot college girl for the front office because that's what sells apartments."

3 14. Plaintiff witnessed defendant Stebner unbuttoning his pants. Stebner has also  
4 walked around the office in just his boxers.

5 15. On one occasion, plaintiff informed Stebner that the mortgages on one of his  
6 properties had not been paid, as the last bookkeeper did not leave accurate lists of mortgages,  
7 or anything for that matter. He asked whether her balance changed and she said no, as no  
8 money went in or out, but a double payment was sent following month to get caught up. He  
9 said, "Bullshit ... you are just like a guy telling a woman what they want to hear to get laid  
10 ... you don't just tell me what I want to hear ... I have fired people for playing with words  
11 with me!"

12 16. Mr. Stebner would call plaintiff on the phone several times a day and ask  
13 questions like, "Why the fuck didn't you fax over the balance statement?" and "Are you  
14 fucking retarded?" Plaintiff tried to ignore the abuse and later asked him to stop talking to  
15 her in that manner and he would reply, "Why can't you be like a guy and just say 'fuck you'  
16 back and get over it ... women are too emotional ... deal with it." Sometimes plaintiff would  
17 stutter out of fear of the harassment. When this would happen, Stebner would make fun of  
18 her and ask her if she was stupid or retarded.

19 17. Stebner has called plaintiff, as well as referred to her as, a stupid bitch. He  
20 repeatedly cursed at her and used sexually demeaning language.

21 18. On August 15, 2006, Mr. Stebner called plaintiff three times between 10:00  
22 a.m. and 11:30 to yell at her for making a mistake and yelled, "How stupid can you be you  
23 fucking cunt?!" This was the final incident that forced plaintiff to resign.

**FIRST CAUSE OF ACTION**

(Sexual Harassment And Discrimination Under Title VII and WLAD)

19. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 18 with the same force and effect as if such paragraphs were separately re-alleged in this First Cause of Action.

20. Defendant Stebner sexually harassed plaintiff and subjected her to ongoing harassment because of her sex, female, in violation of Title VII and the Washington Law Against Discrimination.

21. Defendant Stebner Real Estate is strictly liable for the acts of defendant Stebner who was a managing agent of Stebner Real Estate and the owner of the company.

22. Defendant Stebner Real Estate was aware that other employees had complained and had been sexually harassed yet failed to take reasonable steps to investigate the prior allegations of sexual harassment and failed to ensure by appropriate corrective action that neither plaintiff nor other employees would be subjected to sexual harassment on the job at Stebner Real Estate.

23. Defendant Stebner Real Estate is thus also vicariously liable under the WLAD for this conduct.

24. As a direct and proximate result of the acts of defendants, and each of them, plaintiff sustained severe and continuing shock to her nervous system, mental anguish, mortification, humiliation, loss of good health and sleep, all to her damage in an amount according to proof at trial.

**SECOND CAUSE OF ACTION**

(Constructive Discharge)

25. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 24 with the same force and effect as if such paragraphs were separately realleged in this Second Cause of Action.

26. Plaintiff was constructively discharged as a result of intolerable sexual harassment by defendants that would have caused a reasonable person in her position to quit.

27. As a proximate result of defendant's discriminatory action(s) against plaintiff, as alleged above, plaintiff has been economically harmed by lost of pay and benefits and emotionally harmed in that plaintiff has suffered humiliation, mental anguish, anxiety, mortification, loss of good health and emotional and physical distress, and has been injured in mind and body as follows: plaintiff sustained severe and continuing shock to her nervous system, stomach and head pain and loss of sleep all to her damage in an amount according to proof at trial.

**THIRD CAUSE OF ACTION**

(Intentional Infliction of Emotional Distress)

28. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 27 with the same force and effect as if such paragraphs were separately re-alleged in this Third Cause of Action.

29. The acts described in this Complaint committed by defendant Stebner were extreme and outrageous and were done with the intention of inflicting severe emotional distress upon plaintiff or were done with reckless disregard as to whether such acts would cause plaintiff severe emotional distress.

1           30.     As a direct and proximate result of the acts of defendants, plaintiff sustained  
2 economic and non-economic damages, including, without limitation: mental suffering,  
3 embarrassment, emotional distress, emotional trauma, and other mental pain and suffering;  
4 and other damages, which said damages will be proven at trial.

5           31.     At no time did plaintiff consent or acquiesce to any of defendants' acts alleged  
6 above.

7                                   **FOURTH CAUSE OF ACTION**

8                                   (Negligent Infliction of Emotional Distress)

9           32.     Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through  
10 31 with the same force and effect as if such paragraphs were separately re-alleged in this  
11 Third Cause of Action.

12           33.     The acts described in this Complaint committed by defendant Stebner were  
13 extreme and outrageous and were done negligently or recklessly without regard to whether  
14 they would cause severe emotional trauma.

15           34.     As a direct and proximate result of the acts of defendants, plaintiff sustained  
16 economic, including medical bills for treatment and non-economic damages, including,  
17 without limitation: mental suffering, embarrassment, emotional distress, emotional trauma,  
18 other mental pain and suffering, and other damages, which said damages will be proven at  
19 trial.

20           35.     At no time did plaintiff consent or acquiesce to any of defendants' acts alleged  
21 above.

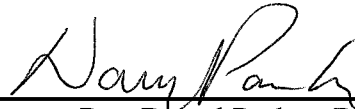
**PRAYER**

WHEREFORE, plaintiff respectfully prays that this Court enter judgment against defendant, granting plaintiff:

- A. Declaratory judgment that the acts, policies, and practices of Stebner Real Estate as complained of herein, violated the rights of plaintiff as secured by Title VII and the Washington Law Against Discrimination;
- B. Back pay according to proof at trial, plus all lost fringe and employment benefits, including the cost of medical and health care insurance;
- C. General damages for emotional distress in the amount according to proof at trial;
- D. Plaintiff's costs of suit, including reasonable attorney's fees; and
- E. For such other and further relief as this Court deems appropriate.

**Dated:** 1/26/09

PREMIER LAW GROUP PLLC



By: Darryl Parker, Bar No. 30770  
Attorney for Plaintiff